THE LATTER-DAY SAINTS'

MILLENNIAL STAR

"He preserveth the souls of his Saints; he delivereth them out of the hands of his enemies."—DAVID.

No. 8, Vol. XXXV. Tuesday, February 25, 1873. Price One Penny.

UTAH ELECTION LAW.

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The following article is from the *Salt Lake Herald*. "The writer is not a Mormon, is thoroughly conversant with the subject, and in a satirical way throws out some pretty hard nuts to crack."

Salt Lake City, Jan. 24, 1873.

The sapient Chinese traveler in Utah, yclept "Ching-Foo," has treated the readers of the *Tribune* with a reprint of the "Act regulating Elections." He must be troubled with that incurable disease called *cacoethes scribendi* in an alarming state; for having no material for news items, and being in want of something with which to string falsehoods in his usual style, he copies *verbatim* the legislative act, and hopes thus to serve two purposes; viz, first, and the most important to him, to enable him to get a few drops of molasses to his hard-tack, and second, to enlighten his supposed ignorant readers.

His expenses must be great, his travel extensive, and his sympathy overflowing, as he seems compelled to present the law, "as it reads" with exordium and peroration in ungrammatical phrases for all our consideration, "knowing *as I do*," he says, "that the mass of the people of this Territory and elsewhere are not familiar with the provisions of the act." That is kind to publish the laws gratis, but is it not "love's labor lost?" Will the mass of the people here and elsewhere ever see his poor jargon? He declares "members of Congress ought to shudder at the idea of such a flagrant outrage (meaning, I suppose, the horrid act) being perpetrated on American soil." Is it not cruel to want them to shudder this cold weather, in addition to the shivery-shakery tendencies of the season? He conjures up to his vitiated vision, horrible scenes, flagrant outrages, and fearful injustice. I fear he saw double, and had "snakes in his boots," when he wrote the article on this innocent law. Let me try to cure him.

I am glad he certifies that the fifteen sections given are a true copy. Were it not that such certificate were attached, I could not have believed that such a monstrous, shudder-creating law could have been passed, or so successfully carried out as it has been for the last twenty years.

In the most pathetic manner he asks, "Can the people of the United

States blame the non-Mormon residents of this Territory asking Congress for a revision of the Territorial law?" There must be something terrible in that law, that I fail to see. I feel afraid almost to read it over, but he kindly permits me to infer its awful provisions, without showing what they are. He must, too, be a humble creature. He does not call himself Socrates, Lycurgus, Solon, nor by any eminent modern statesman's name. He cannot be said to be an ass in a lion's skin—he may be a lion in an ass's hide. He calls himself a Chinaman, and I will not deny him the honor—everything gets its level!

But as he may not be so formidable as his pigtail, I will venture just to examine the "flagrant outrage" of the election law.

"Sec. 1. That annually on the first Monday of August there shall be a general election held in each precinct in the several counties, for choosing all officers not otherwise provided for."

Is not that awful, flagrant and unjust, to hold an election on the first Monday in August in each precinct, etc.? Horrible, most horrible!

"Sec. 2." Is it not diabolical that the county clerk should cause a notice of the time and place, and the number and kind of officers to be chosen, to be put up in two public places in each precinct, at least six days before the time of election? Oh, you Mormon legislators, how dare you?

"Sec. 3." How could you presume to say that the senior justice of the peace should be judge of election in this precinct? Or that he should appoint one clerk and furnish stationery necessary and ballot box? Or that in his absence the electors first assembled on the day, to the number of six, may appoint some suitable person to act as judge, etc.? It is an outrage on all men, and calls for immediate interference in Congress. How is it in China, Ching Foo?

"Sec. 4." Why should you lawmakers direct that the election be held from one hour after sunrise until sunset? Why not say until midnight, when gamblers and loafers seek their roosts, that they could go to the polls before retiring. Or why is the fugitive vagabond or tramp prevented from voting in every precinct that he travels in? That is an infringement on the rights and liberty of American citizens—away with it. It must be repealed! This is, or should be, a free country.

"Sec. 5. Each elector shall provide himself with a note containing the names of the persons he wishes elected, and the offices he would have them to fill, and present it, neatly folded, to the judge of election, who shall number and deposit it in the ballot box; the clerk shall then write the name of the elector, and opposite it the number of his vote." I have written this section fully, for it contains the bugaboo, I suppose, that frightens this *outraged* Chinaman and his confederates. Let me first ask that the privilege of choosing the ticket or vote be given to Ching Foo, or his immaculate party, and then all will be right and square, for "Brutus is an honorable man." The minority would rule, and the majority should retire gracefully, and everything that is "Mormon" would be damned for such unjust legislation, in letting the majority rule. Secondly, why fold it neatly? Everybody should see it, and it should be open to the public gaze! Who's afraid to show his ticket? Let it be done openly and manfully. I object to the clerk's writing the name opposite the number of the elector's vote. Who ever heard of such a thing? This interferes with stuffing, and should be removed.

But it says "the judge of election shall number the ticket and deposit it in the ballot box." "Aye, there's the rub." To number the ticket is unpardonable. You can know how the man votes, and for whom he votes. Now, I candidly allow that that is the only apparently objectionable feature in the act. Personally I would rather that the tickets were not numbered, and that every appearance of knowing the voter's choice should be removed. That is fair. But on considering the *pros* and *cons* in the mode, it is hard to say which is the better course to pursue. Suppose we voted *viva voce*, would not everybody know the voter's choice. And it is a manly, noble way, and lawful if so passed. Then would not our carpers carp?

But do not the parties in other States know nearly every person that will vote for them? They know nearly to a man, and move heaven, earth, and some place else, to secure voters and increase their strength. Where's the difference, then, but that between "tweedledum and tweedledee?" I see, however, nothing so very unrepublican, flagrant or tyrannical in it, and I have a right to my opinion as well as "Ching Foo" and his ilk. This act and custom prevails, or prevailed, in some other States, and it is (1) a good security against stuffing the ballot box; and (2) enables challengers to prove whether the voting is legal, if contested. It must be considered that this act was passed in 1853, when the people here were few and isolated; that it was hardly then expected that so large and *varied* a population as now inhabit this Territory, or the circumstances that now occur, would exist here. Of course, to the best of motives can be attributed the worst of designs, and to the best laws yet enacted, the gravest objections can be made.

I need not trouble your readers with making remarks on every section, for space would not permit, and I will therefore merely touch at some of the *outrageous* provisions of this horrible law.

Does it not demand our boldest remonstrance to section 6, where the ballot box, at the close of the election, should be sealed, etc? Why not keep it open to stuff in our tickets as we please? Why should the county judge and clerk, as in section 7, break the seal and count the votes? These men certainly have enough to do to count over the votes of thousands, without scrutinizing and noting every voter's bias; and it is hardly supposable that they know every person in the county.

In reading this law, it should be remembered that Brigham Young was Governor at its passage; yet see the authority given to the Secretary, and not the Governor, in case of ties, to determine the election by lot. The secretaries generally have been anti-Mormon, or independent of any influence of the Governor. This does not show, then, that power was placed in Brigham Young's hands.

Sec. 14. Provides that "When a vacancy occurs in a Territorial elective office, the Governor shall order a special election to fill such vacancy," &c. This did not put power into "Brother Brigham's" hand, as some would say, but left it fairly for the people. That, however, must be outrageous to prevent "Gentile" governors from putting their favorites into office. Our present incumbent in the gubernatorial chair acts very differently from this law. If a Territorial vacancy occurs, he appoints a man to the office himself; and if a county office vacancy happens, he fills the gap by his choice, neither ordering an election for Territorial office nor allowing the county court to appoint for county offices, as the LAW provides. If Brigham Young were to do that, would not there be a howl, "a *new movement* among the dry bones?"

Sec. 15. Says, "All officers acting in elections shall be allowed a reasonable compensation for their services"—that is fearful, surely; and who "can blame the non-Mormons for complaining?" It further says "they shall be punished with a reasonable preventive amount of fine for fraud or negligence!" Now that is just cause for Ching-Foo and his party to lift up their voices against the act. They have been so often defaulters, peculators, and so guilty of fraud in all their official transactions, that they call on Uncle Sam to interfere for their safety. Is not that a heinous crime to punish fraud or negligence in this enlightened day?

If this election law is so outrageously unjust in the almond eyes of the Mongolian "Ching-Foo," what State law should the Territorial legislators adopt? Perhaps he wants the registry and election law of California—a law that is so complex and intricate that the county clerk of San Francisco could not understand it, and Horace Hawes, the author of the bill, had to sit with him for days to initiate him into its mysteries. The clerks and officers of the other important counties were compelled to "ferret it out" themselves, as the sage Horace could not go to every township. A law, too, the workings of which is so very expensive, that it has, and will, cost Califor-

nia hundreds of thousands of dollars, and yet many are deprived of their rights by it. These pickings are what Ching-Foo and his friends want. "Dont they wish they may get them?"

"Knowing, as I do," as saith the sage, the ignorance and sinister designs of the peripatetic scribbler, and his friends, can the whole people of this vast republic wonder that I write to enlighten them and open to their dull visions the flagrant outrage and silly ravings of penniless adventurers, and disappointed place-holders? That horrible election law makes us all patriotic, liberty-loving and generous, and until it is "revised,"

FAREWELL.

SCIENCE AND RELIGION.

The Pharisees were pleased to attribute the miracles of our Lord to diabolic power, the Sadducees were content to reckon them as delusions of the sense. It is assumed by our modern Pharisee that miracle must always be considered a *violation* of the law of nature, instead of a part of it, constituted and allowed for from the beginning. Nor indeed does it seem wholly *clear* to the unprejudiced mind, why the testimony on which the Christian revelation rests, should necessarily be more unworthy of credit than that on which we are accustomed to accept ordinary facts of historic or scientific interest. Nor why, in the words of Newton, we should not be content to see "God acting in nature according to uniform laws, except when it is good for him to *act otherwise*." It cannot be denied that deviation from established rule is sometimes a part of the order of the universe. The great surgeon Hunter after years of study arrived at the conclusion that nothing is really irregular, really perturbed, really abnormal, but that every instance that we name such, is as much a part of the universal order as the courses of the heavenly bodies. Call then such deviations at recorded periods of time, miracle, thaumaturgy, what you will, but let them at least be treated as any other fact claims to be. Refer them, let it be amply conceded, to any other than a divine interposition, if any hypothesis will explain them better, or resolve the problem of their recurrence more completely and satisfactorily. The new system of thought painfully lacks the humility of the old. Plato and Aristotle mournfully acknowledge the insufficiency of their noblest efforts to solve the "riddle of life's mystery," unaided by a divine and special revelation of those things the human mind cannot unaided grasp. Positivism strives to meet the difficulty by narrowing the range. Its students admit only the demonstrable, and thus exclude the invisible and intangible. The idea of a personal God is too abstract for this school. They are satisfied to worship humanity impersonated in self. Their aim is *certainty;* their studies, therefore, should logically be restricted to pure geometry. The whole system of modern thought, indeed, bases itself upon an assumption that experience must ever hold as a fallacy, viz. that human nature progresses with advancing science. War, say they, will cease when the folly of such a course is demonstrable. But as man must have a religion as well as a science, positivism is willing to supply him with one. It teaches him that his mind has by a "natural law" passed through three successive stages—(1) theological, (2) metaphysical, (3) positive. When rejecting alike the theories of divine or abstract agencies, such as nature, harmony, and the like, the universe is plainly recognised as proceeding according to uniform laws, ascertainable by observation. The basis of these observations is the axiom that knowledge must proceed from the *well* known to the *less* known. The conclusion that positivism deduces from it is that theology, which cannot be so studied, will die out to be replaced by sociology, or the "investigation of social and corporate life."

In view of this delightful prospect, positivism steps in to supply the deficiency. For prayer man shall have effusion; for resurrection remembrance by the living; for the Trinity he shall adore humanity, earth, and space. For high priest he shall have Goethe; right and wrong shall disappear from his cultivated perceptions—old-fashioned restraints calculated to check the free development of his humanity. The God of his worship shall be Necessary Connection. Such is the new religion of the pure intellect; such the dreary creed the temper of the day has fashioned for itself; such the "thick clay" with which men lade themselves wandering astray, led by self-chosen guides.—*Churchman's Shilling Magazine.*

POOR COLFAX.

From the Deseret News.

Poor Colfax, the respected Vice-President, seems to have fallen upon evil days at the close of his political life. He has been professedly retiring therefrom a long time and he has given somewhat ostentatious public declaration of his intentions. If he shall be able at last to retire in good order, it is highly probable that will be all. There is no promise just now of his going out with eclat. He has had considerable reputation for piety, but it must have been very early piety, for the Credit Mobilier business appears to have made sad inroads upon the article in his more advanced years. His smiling propensities have become proverbial, in fact he has been termed the Great American Smiler, but a profound interpreter of the human heart has said that a man may smile and smile and yet—not be exactly immaculate. Colfax has not been very friendly towards our citizens, although they treated him courteously and hospitably. He has said some hard things concerning them, has favored their enemies, and approved the measures designed for their destruction. Nevertheless we are not disposed to be revengeful and vindictive, but in this his hour of affliction and humiliation, we trust he will have grace to bear himself as our people have done under his unkindness towards them—patiently and bravely. Of course it would have been pleasanter to him to retire from public life in a blaze of red fire and theatrical glory, but this is a world of trial and disappointment, and mortals must get through it the best way they can, and be thankful for the privilege of going through it at all in any fashion. The Colfaxian unhappiness appears to have overshadowed the Senate also, if we judge by the following from the Washington correspondence of the New York *Herald*—

"WASHINGTON, Jan. 23.

"THE SENATE SAD AND UNHAPPY—COLFAX VIRTUOUSLY INDIGNANT—APPEARANCE OF THE INJURED INNOCENTS.

"The Senate was not in a happy frame of mind this morning when Colfax, with a look of grim despair in the place of his old smile, rapped to order and then made his exit to talk to-night on temperance at Trenton. The seat of Patterson, the other forgetful speculator in Credit Mobilier, was vacant, while Wilson looked anxiously around, as if in search of some man who doubts his pleasant little history of his transaction with Ames and Alley. Harlan appeared like an itinerant preacher whose Senatorial sands of life had nearly run out. Trumbull evidently felt that he also must soon leave the seat which he has occupied since 1858. Hill, of Georgia, tried to look martyr-like, and so did Sawyer, of South Carolina, with half-a-dozen other carpet-baggers, who must march forth in a few weeks. It was a doleful spectacle, and such funeral solemnity prevailed that permission was refused Nye to have an evening session, when he could humorously illustrate the glories attendant on the grant of an additional subsidy to the Webb Pacific lines. Nye pleaded pathetically that it would be his last appearance as a heavy come-

dian on the Senatorial stage; but those who had often laughed at his jokes refused to give him a chance to repeat them. Colfax is rather a pet with the Senators, although he talks too much in the chair, and the prospect of having to give him up for Wilson has not been pleasant. But to see him go forth into the cold world deprived of his good name will be a melancholy spectacle. He professes virtuous indignation at the statements of Ames, and pronounces them 'infamous.' But it is known that to-morrow a respectable cashier in the office of the Sergeant-at-Arms—Moses Dillon is his name—will swear that he paid the check made payable to Schuyler Colfax. Had it been a member, Dillon says, he might have forgotten about it, but when the Speaker came into the cash-room to present such a check, and pocketed the money for it, an impresion was made on his memory. Who wonders? And why has Schuyler thus saddened the hearts of his friends in the Senate by going out like a piece of damp fire-works, with a few feeble sputterings and a very bad smell? Who wonders that the Senate is sad?"

THE VICE-PRESIDENT'S FALL.

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The *New York Tribune* thus refers to the recent Ames-Colfax developments:—

Unless Vice-President Colfax can break through the web of circumstantial evidence which has gradually enfolded him, we see nothing before him but moral ruin. In the new aspect of the case, the question of his connection with the Credit Mobilier scandal is no longer the chief one; it is overshadowed by another which affects his character for honor and veracity. The astounding developments in the Credit Mobilier investigation, make it necessary for the Vice-President to show, if he can, that he has not sworn falsely. The circumstances are these:—Mr. Colfax denied that he had received a certain specified dividend of $1,200 on Credit Mobilier stock. Mr. Ames swore positively that he gave the Vice-President a check on the House Sergeant-at-Arms for that amount. The check, dated June 20, 1868, is produced; it was paid June 21; Mr. Colfax's bank account is examined and it is found that on June 22, 1868, he deposited the precise amount of $1,200 in bank notes; and, as if to emphasize the fact of the deposit, the whole amount of it was specified to be $1,968 63, of which all but $1,200 was in checks. The fatal sum stands by itself.

We have not the heart to comment at length on this apparently utter and deplorable fall. We hope, for the sake of the pure name which Mr. Colfax has so long borne before the country—for the sake of the country itself we hope—that he may yet be able to break down this damning wall of circumstantial evidence which has slowly encircled him. The only way of escape is to prove that the $1,200 deposited on June 22 was received from some other source than the agent of the Credit Mobilier Association. The Vice-President has too often spoken of his accurate business habits, his limited income, and his faithful recollection of all details of his small private business not to make this means of escape easy, if it is possible. He could not readily forget the disposition of $1,200 in notes if he received them; he could not forget their receipt. So far as we can see now, unless Vice-President Colfax can account for the $1,200 deposit, the evidence must be accepted as conclusive, and he stands before the country forsworn and dishonored; led on to false swearing by the slender thread of a first weak, irresolute, and juggling denial. The figure which he assumes is a melancholy one, full of warning and profoundly pitiful. Unless there be some door of escape in this seemingly adamantine wall of proof—for which we shall still hope, although the chance seems so slight—

the world is the poorer for this loss of one more shining example of public virtue.

The *Albany Times* comments on the fall of the Vice-President, saying :—

Credit Mobilier killed Colfax. He is dead, and on his tombstone should be inscribed, "Died of too much Credit Mobilier." He was about to seat himself in the editorial chair of the Tribune, when there came a breeze from Washington to the ears of Mr. Orton, bearing on its wings the stench of the Credit Mobilier fraud. The chair was pulled away, and Colfax gently seated himself upon the floor. He denied, last fall, any knowledge of the bribery alleged to have been indulged in by Oakes Ames, but the evidence given before the investigating committee establishes the fact that Colfax not only took Credit Mobilier stock, as alledged, but that he still holds it.

THE HORSE EPIDEMIC.

SPREADING RAPIDLY AND IMPEDING TRAFFIC.

(From the Salt Lake Herald).

When the *Herald* announced about a week ago that the epidemic which has raged so severely among horses throughout the eastern States, was here, some people felt inclined to laugh at the information. They imagined that the disease was simply contagious, and that away up here among the Wasatch mountains we were perfectly secure from its attacks and might laugh at it. But it is here. Apparently the germs of the disease are in the atmosphere ; and although it may be called cold, influenza, nasal diarrhœa, "epizooty," or "hippogrippe," it is none the less an epidemic, striking a whole region of country at the same time, bounding from Denver to Salt Lake in a couple of days, and from Salt Lake to California in as short a period. It was computed yesterday afternoon that about two-thirds of all the horses in Salt Lake City were affected with the disease.

Mr. Wines has been compelled to suspend his stages to Stockton and Ophir in Tooele County. The mail will be taken out to-day in a buggy ; and if it is possible to procure mules that are not affected, the letter mail will be carried on mule back, until the epidemic abates.

It was rumored yesterday that Gilmer & Salisbury had been compelled to stop the southern stages, but the rumor was unfounded. Their animals are at Lehi, and there was no report of their being attacked up till last night.

Mr. H. P. Kimball has twenty-five horses affected. Mr. Wines between thirty and forty. In the livery stable of Messrs. Benham & Mulloy, Second South street, there were thirty-nine sick yesterday afternoon. At the same in Mr. McKimmins' livery stable, East Temple street, there were thirty-three sick. In Willard & Jackson's livery stable a few horses were coughing and "wheezing," but the disease had not developed ; and so it was in the other stables.

All the horses belonging to Wells, Fargo & Co. were sick, and the mails yesterday were transported between the depot and post office with borrowed animals. Mr. Tracy's private animals are also affected. Z. C. M. I. freight horses are all suffering.

By advertisement it will be seen that the street car line is in the same situation as in other places. An effort will be made to meet the trains and bring passengers up, and to gather passengers and take them to the trains ; and if mules uninfected can be got, the cars will run half time—or every fifty minutes.

Colonel Wickizer has written to the postal department relative to the probability of all the heavy mails that go by stage having to be suspended for a time ; and altogether Salt Lake may conclude that the horse epidemic hasn't passed it contemptuously, but has given it a full share of the disease which has agitated the east since last October.

THE LATTER-DAY SAINTS' MILLENNIAL STAR.

TUESDAY, FEBRUARY 25, 1873.

MORE USURPATION.

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SINCE the advent to Utah of the Federal officers appointed to that Territory by His Excellency President U. S. Grant, there has been a persistent, determined effort on their part to overthrow law, order and peace. This is a grave charge; but it is most advisedly made. All those officers are representatives of the United States government, and are, or at least ought to be, the most forward instruments to execute its will in the preservation of such measures as would ensure the security of the innocent and the punishment of the guilty. They have no other legitimate duty. But their course has been directly opposed to this. Recently one of the Territorial papers in referring to the increase of crime in Utah says:—"it may be justly charged to the influx of reckless men and fast women who receive *quasi*, if not direct and absolute sanction, encouragement and support from most of the Federal officials appointed for the Territory, as is abundantly manifest from the persistent and disgraceful attempts of those officials to deliver offenders from the salutary grasp of the law, and to break up and nullify the Territorial laws and Municipal ordinances in the vain hope of abolishing 'Mormonism' and exterminating the 'Mormons.' These are facts clearly patent to all whose mental vision is not obscured by prejudice, bigotry or malice. We do distinctly and sincerely hold those Federal officials responsible for this notable increase of crime." The serious accusation here given has, since its publication, received additional proofs from the acts of the most prominent Federal officers at present in that Territory.

On Jan. 25th, Hon. C. M. Hawley, Judge of the Second Judicial District, granted a writ of *habeas corpus* in the cases of two men, who, with several others, were under indictments found by a Grand Jury empanneled by the Probate Court of Box Elder County, charged with stealing large numbers of cattle from herds in the north. The privilege of the writ of *habeas corpus* is properly regarded as the "grand bulwark of corporal liberty." Its power lies in this: that any person who is under arrest, but not yet convicted, may be taken at once before a judge to have the cause of his detention investigated. After investigation the court may either remand the person back into custody, discharge him, or place him under bail; if he shall appear to be *unlawfully* detained, he is at once set free. But so frequently has this "great writ of liberty" been abused in Utah during the past two or three years, that its very name is becoming synonymous with the "unconditional discharge of the lawless." In the case of the application of the two men referred to, it is a noteworthy fact that Judge Hawley's decision in their cases was known in Brigham

City, some sixty miles from where the court sat, six hours before it was given in court; for a relative of one of the accused stated "that the matter was all going to be nicely fixed up, that Judge Hawley was going to decide that the Probate Grand Jury indictments did not amount to anything, and that the aforesaid Judge, after thus deciding, intended having an examination into the cases at Corinne, where he would sit as a committing magistrate." In proof that this information was correct, Judge Hawley did sure enough go to Corinne, and there on Jan. 28th he issued a *writ of prohibition*, which declared "the Probate Court had no jurisdiction of criminal action;" and it was therefore adjudged that all the prisoners, numbering six, who were indicted for wholesale cattle stealing "be, and they are hereby forever discharged from imprisonment," "and from all liabilities to be arrested or held for trial under and by virtue of said several indictments;" "and of this order and judgment the Probate Court, and sheriff of said Box Elder County and his deputies, and all other persons, are commanded to take due notice and fail not, under the penalty of the law." After the issuance of this writ, Judge Hawley went through the farce of investigating the cases as a voluntary committing magistrate. There were thirteen affidavits made before the Justice of the Peace at Corinne against the parties indicted; but at this so-called investigation the indictments were ruled out. The counsel for the People became disgusted with the trickery of this man who was acting *extra-judicially*, being outside of the District assigned to him by law, and he, to complete his work, turned those lawless men again upon the community whom they have, according to the affidavits, so extensively robbed. The *Deseret News* in referring to this says;—

All right-thinking people cannot fail to condemn the liberating of a gang of persons accused of participating in a series of the most extensive cattle robberies that were ever perpetrated in the west, as one of the grossest outrages of the kind ever perpetrated upon any community of citizens. Should this line of policy be continued, how long will it be before Utah is converted into an asylum for every description of lawless desperadoes? The bulk of the citizens of Corinne were said to be in favor of a lucid investigation of the cases, and if such really is the case, they may perhaps be heard upon the subject.

People cannot help looking upon recent judicial actions connected with the Corinne robberies as virtual endorsements of the lawless course of those who engaged in the nefarious transactions, or at least that such actions have a comforting and encouraging tendency in that direction, whether such be the tendency or not.

Judge Hawley is joined in this course by Hon. J. B. McKean, Judge of the Third Judicial District, who on Jan. 28th also issued an order to release James Langley, the incendiary who fired the Winder property, and who was under sentence of the Probate Court of Salt Lake County, for a term of years for the crime. This criminal is taken from the penitentiary by virtue of this "order," and released under bonds of $5000 to answer before the Third District Court for the offence.

Thus then are the only two Federal Judges at present in Utah obstructing the operation of the laws of the Territory, as administered by the Probate Courts. They assert that those Courts have *not* criminal jurisdiction. This they do in direct contradiction to the Territorial Statutes which have been sanctioned by Congress and have been in force since 1852, and which in 1855 were amended, repassed in present form, and again sanctioned by Congress.

The assumption of these Federal Judges is also in flat contradiction to the unanimous decision and judgment of the highest judicial tribunal under the American Constitution—the Supreme Court of the United States—as expressed by Chief Justice Chase at its December Term 1871, in the Clinton-Engelbrecht case.

But as though the united action of the Judges was not sufficient to set the laws at defiance, His Excellency George L. Woods, Governor of the Territory, appoints a Territorial Marshal, and a Territorial Attorney General, in violation of not only Territorial law, but also of Congressional law. He does this, not because there is a vacancy in either of the offices named, but because the present incumbents are "Mormons."

It is by such acts as these that the Chief Executive of Utah, and the chief officers of the Judiciary of that Territory, seek with despotic sway to solve the "Mormon problem," and it is these "unfaithful servants" who, together with their few satellites, sound the cry in the willing ear of President U. S. Grant that "something must be done to remedy the terrible state of affairs in Utah!" "The one-man power must be destroyed!!" "Mormon Theocracy must be abolished!!!" And to aid in accomplishing these much desired ends, those abusers of place and power turn the lawless loose and otherwise transcend Constitutional, Congressional and Territorial Legislative privileges. Referring to this high-handed course, the *Salt Lake Herald* says:—

The Utah "ring" have proceeded from step to step in their lawless course until now they are in open defiance of government and in an attitude of rank rebellion. The Government of the United States consists of three branches—executive, legislative and judicial. The second branch, or Congress, passed a law last summer, which was approved by the Executive, President Grant. The Governor of this Territory, George L. Woods, disregards that law, nay, acts in defiance of it, and makes a couple of appointments directly in its teeth. The Chief Justice of the Territory and the only associate justice now here, have each, within the past three days, set the decisions of the judicial department of government at defiance, and have acted in utter disregard of its rulings. And yet the usurping rebels of the "ring" have the assurance to demand special legislation from Congress—whose authority they defy and disregard when it suits them—to increase the power conferred upon the federal officers by law, and sanction that which they have usurped! J. G. B.

ABSTRACT OF CORRESPONDENCE.

Elder John Huber writing from Berne under date February 21, states "We have now the first sheet of the Book of Mormon [in German] out." He reports some forty persons having been baptized into the Church since the comencement of the year, and good prospects of increasing the number. A goodly number of the Saints are actively preparing to emigrate to Utah this season. Elders Huber, Keller and Reiser are blessed with good health and feel to devote themselves earnestly to the propagation of the work of the Lord in their field of labor.

The savage knows little of the keen anguish to which the cultured mind and sensitive heart are liable, and the more debased the moral character the more benumbed are the stings of conscience, which give to the pure-minded such exquisite pain.

CHAPTERS FROM THE HISTORY OF THE CHURCH.

CONTINUED FROM PAGE 93.

The condition of the Saints in Nauvoo strongly excited the sympathies of the people in the Camp of Israel, at Winter Quarters, and teams and means were freely contributed, and sent back to aid them. A good many of the people scattered up and down the river, some going to St. Louis and others to Burlington, but all who wished to move westward had the opportunity offered them, and they were brought on to the main camp by the teams which had been sent back.

While these things were passing at Nauvoo, the Saints in the Camp of Israel were laboring diligently to prepare themselves for the winter. A committee of twelve was appointed to arrange the city into Wards, over each of which a Bishop was appointed to preside, whose duty it was to relieve the poor and sick, help the families of those in need, and to see that the Saints attended to their duties. The following is the list :—

First Ward, Levi E. Riter ; second, William Fossett; third and fourth, Benjamin Brown; fifth and sixth, John Vance; seventh, Edward Hunter; eighth, David Fairbanks ; ninth, Daniel Spencer ; tenth, Joseph Mathews ; eleventh, Abraham Hoagland; twelfth, David D. Yearsley; thirteenth, Joseph B. Nobles.

Every family labored diligently to construct some kind of a house, in which they could be sheltered for the winter. The houses were built chiefly of logs, and covered with clapboards, or with willows and dirt. Many dug caves in the side of the hill, and made very comfortable dwelling places of them.

Winter Quarters was laid out regularly into streets, and occupied a fine location. The Indians gave considerable trouble, stealing cattle and pilfering. They looked upon the Saints as intruders upon their lands, and they said that if their land was occupied, their grass used, their timber cut down, and their game shot, they had a right to something in return, and therefore being in want of food they helped themselves to cattle belonging to the Saints. The chief, Big Elk, said he would do all he could to restrain his people, but he had bad young men among them who would not be controled, and he could not prevent them stealing when the cattle were all around them. They did not like white people, and they did not like him very well, because he told them that the white men would do them good. The conduct of the Indians prompted President Young to counsel the people to build a stockade around Winter Quarters. This was a great protection, and kept the Indians out to a very great extent. A large portion of the stock was sent north, on to what was called the Rush Bottoms — a place where rushes grew in great profusion, and furnished excellent feed for animals, if given to them carefully. If eaten too freely, or if eaten when the weather was cold enough to freeze the water contained in the top part of the rush, they were dangerous, and sometimes killed the animals that ate them.

Bishop Miller's camp, as he himself reported to the Twelve at Winter Quarters, was at the junction of the Running Water and Missouri rivers, a hundred and fifty-three miles north of Winter Quarters. He reported his camp in good health, and occupying a good situation, with plenty of feed for their stock, in the rushes of the Running Water.

Language can scarcely convey a correct idea of the sufferings endured by the fugitives from Nauvoo in their hurried flight to escape the tortures of the mob, who seemed so bent on disregarding the stipulations of the very unjust treaty they had forced from them. Boys raised in Utah Territory think it no hardship to be obliged to sleep on the ground in the open air in the month of October, nor indeed to go into the kanyons almost any time of the year and spend the night thus, without other shelter than their bed clothes, but in Illinois and Iowa the climate is not so favorable to health as is that of Utah. It is more damp.

Even many who took the greatest care of their health and had comfortable houses to live in suffered a great portion of the year from the ague, and chills and fever, caused in great part by the malaria arising from the decaying vegetation in the swamps and low lands. The condition of the Saints, exposed as they were, was truly deplorable. Many moved across the river to the opposite bank from Nauvoo, and others scattered off in different directions, sheltering themselves as best they could; some forming rude tents with quilts or blankets, and others being only able to cover themselves with a bower made of brush. To add to their misery what little clothing they possessed was, for a great portion of the time, drenched with rain, and instances are now related by persons living, who passed through those scenes, of their having for days watched at the bedside of the dying while they could only afford a partial shelter to the prostrate form by holding milkpans over it, to catch the falling rain as it dripped through the thin wagon cover. Some of the most influential men among them visited cities in the adjoining States and asked aid from the able and generous for those of their brethren and sisters whose sufferings they tried to depict. By this means partial relief was obtained for some, but the majority of the sufferers ware unable to better their condition until they had slowly worked their way into Iowa or Missouri and obtained employment of some kind, or were helped by teams sent back by those who had previously left Nauvoo.

THE HEBREW EXODUS.

[CONTINUED FROM PAGE 101.]

After so many years comes the solution of the problem in a book—"The Desert of the Exodus." It resolves all my old doubts, and, without so meaning, tells me that the Pentateuch is true history. Of the book I shall not here undertake any formal review—although it is quite worthy of one. The story of it is briefly this: During the years 1868-1870 expeditions, organized partly by the British Government and partly by private enterprise, were set on foot to make a thorough survey of the region of the Hebrew wanderings. Heretofore the most reliable travelers had only passed through it as mere tourists. They told what they could see from a camel's back, and from occasional points noted as of special interest. Each told in substance the same story. This expedition had a wider scope. Its purpose was to explore the region. Mr. Palmer, the author of the book, was a whole year, lacking only a month, engaged in the work. During this time he traversed on foot, as the Hebrews must mainly have done, the whole region of the exodus and wanderings. He stood upon every place where Moses and Aaron could have stood. Since then much has changed, but more remains permanent. He gives many a vivid sketch of present life and character. But just now I propose to speak of this new book only as it bears upon the old Hebrew record of the exodus.

The Hebrews migrated from Canaan and settled in the outlying Egyptian province of Goshen. The limits of this province can not now be accurately laid down: most likely there never were any clearly defined boundaries; but of its general position there can be no doubt. It was the pastoral region stretching eastward from the Pelusian branch of the Nile, northward toward Canaan, and southward indefinitely into the arid Arabian peninsula. Measured approximately upon a map, Goshen had of inhabitable country about the area of our States of Massachusetts and Connecticut. As the population increased it tended toward the region regularly fertilized by the Nile. Hereabouts was clearly the place where their numbers grew so large as to threaten to overshadow the Egyptians. All this appears from the narration that the "Pharaoh who

knew not Joseph" ordered the male children of the Hebrews to be cast into the river. This Pharaoh must not be confounded with the one during whose reign the exodus took place. At least eighty years, probably more, and therefore, in all probability, several reigns, intervened between them, during which the Hebrews dwelling near the Nile were reduced to servitude, forced to work "in mortar and brick, and in all manner of service in the field."

That this enslavement of the Hebrew race extended only over that part of it dwelling near the Nile, and thus mixed up with their Egyptian neighbors, is shown by the fact that the bricks made from river mud require straw to be intermixed to prevent cracking. Those made from the clay of the mountain torrents require no such addition. Hence the peculiar hardship of the edict that the workmen must find their own straw, as they did their clay, for making their tale of brick. Such an edict would have been no special hardship in the case of the pastoral Hebrews. Even if they were required to make brick, which could hardly be the case, they needed no straw. We thus learn that the Hebrews of the exodus were far from a homogeneous people. There were the free pastoral bands of the interior and frontiers, and the half-servile dwellers near the Nile. These latter were, we suppose, the "mixed multitude," or, as we should say, the "riffraff," who gave Moses so much trouble, and whose insubordinacy when after two years, the borders of Canaan were reached, forced the great leader to the conclusion that these were not, and could never be, the men to achieve the conquest of Canaan. For that, he must wait until a new generation, trained to discipline and obedience, had arisen.

The inception of the exodus now clears up itself. Moses returned from his long abode in Midian, the very heart of the peninsula of Sinai, demanded that the Pharaoh of the day —not the one by whose daughter he had long ago been adopted—should allow free egress to the Hebrews. This was refused, for the monarch, instead of adopting his predecessor's scheme of an extermination of the Hebrews, had found their labor profitable to him. Then came the series of plagues, which king and people ascribed to the presence of the Hebrews. In a sudden freak, not unusual among Oriental despots, he ordered them to leave. All that he or his court then wanted was to get rid of that people, both hated and feared.

Tidings fly fast among a wild people. I have been assured by many Southern gentlemen that somehow the slaves on their plantations got information of all leading events earlier than they themselves could hear of them through the mails. The news of the edict of Pharaoh was not long in reaching every band of Hebrews scattered through Goshen. A pastoral race is ready for a move at a day's notice. All the Hebrews, with their flocks and herds, soon rendezvoused at Rameses, some threescore miles from where the city of Cairo now stands. From this point the exodus began.

[TO BE CONTINUED.]

CRIME IN SALT LAKE.

From the Salt Lake Herald.

A couple of years ago if five or six persons were confined in the city prison, it was considered evidence of the existence of more than the usual amount of crime. Now there are some forty prisoners confined there, besides those in the county jail. Why is there such an increase in the number of criminals over the increase in our population? The question has lately been discussed through the press to a limited extent, and the Sacramento Union seems at a loss to know which of two statements to accept as correct. One assumes that "Mormon boys" are improperly trained, and pretends to account for it

this way. The assertion is a reckless slander, and to a reflecting mind carries its own refutation. For twenty-three years the "Mormon boys" failed to fill the prisons, either of this or any other city, and that they should all at once display the lawlessness alledged is improbable, and absurd to suppose. Besides, the same source from which the slander emanates almost daily charges the police force of this city with discriminating against the non-Mormon population, and that they will not arrest Mormon offenders against the law, which is as false a statement as the other. That "reason" we may dismiss as untenable and utterly without foundation.

The fact is, that the development of the mines has brought here a lawless and law-breaking class that never existed here to the same extent before; not even after the advent of Johnson's army, nor during the winters of 1863-4 and 1864-5. Add to this a conflict of judicial authority, caused by a disregard of the laws on the part of the federal judiciary, for the purpose of successfully carrying on a predetermined crusade against the old settlers of Utah and their religion, and a studied and continual effort to have the local tribunals disregarded and rendered powerless, and the reason why crime has so largely increased is at once apparent. Without the influx of a law-defying and lawless element, the course of the judiciary would have mattered little; and with a judiciary that would have zealously aimed at the prevention of crime, the lawless element could have been better controlled. But if a man was charged with and fined for a breach of a city ordinance, say in the matter of license, the course has been to issue an injunction, or a writ of prohibition, put the papers in the judicial pocket or in a judicial pigeon hole, and let them remain there an indefinite length of time. Or if a man was imprisoned for crime, he was often released on *habeas corpus*, merely on a technicality, or for alledged lack of jurisdiction, and regardless of his guilt or innocence, in defiance of the *habeas corpus* act; while an "organ" could be promptly found to defend the act, even if it had to resort to the most baseless falsehoods in the attempt. These facts are so well known in Utah that it seems waste of time to adduce proofs, but an abundance of proof is available should there be any person sceptical enough to require it.

These are the reasons why crime has increased in Salt Lake; and should the same reasons increase and continue, from being the best governed and most orderly city of its size in the world, it may, before a great while, become the very opposite.

UTAH NEWS.

The following are from the *Deseret News*:—

THE LANGLEY CASE.—Here is the order of Judge J. B. McKean, issued on Tuesday, for the discharge of James Langley, who was sentenced by the Probate Court, to a term of years in the Penitentiary, for the crime of arson in setting fire to the Winder property:

Territory of Utah,
Third District Court.
The People, &c.,
vs. James Langley.

It appearing that the defendant, Jas. Langley, was committed by a Justice of the Peace on a charge of arson, after a preliminary examination by such Justice of the Peace; and it further appearing that afterwards the said Langley was tried and convicted of the said alledged crime in the Probate Court of the County of Salt Lake in said Territory, which last-named Court assumed jurisdiction of the person of the defendant, and of the alledged offense. It is therefore ordered and adjudged, that the said defendant be discharged from the operation of the proceedings in the said Probate Court: that he be forth-

with recommitted to await the action of the Third District Court at the next term thereof, and that, in the meantime, the said defendant be permitted to go at large, on bail, in the sum of five thousand dollars, to be approved by the clerk of this court. Dated Jan. 28, 1873.

JAS. B. McKEAN, Judge.

Territory of Utah, }
County of Salt Lake. }

I, Wm. S. Walker, Clerk of the Third Judicial District Court of Utah Territory, do hereby certify that the foregoing is a full, true and correct copy of the original order to release, etc., in the above entitled cause, filed in my office this day. Witness my hand and seal of said Court at Salt Lake City, this Twenty-eighth day of January, A. D. 1873.

W. S. WALKER, Clerk.

John M. Gilson, W. Nettle, James Wheyland and Ed. Gillman became bondsmen for Langley, and the latter is now at large.

PROBATE COURT.—The Grand Jury for the December term of the Probate Court were discharged on January 22d, after a session of about two weeks. They found eight indictments, mostly for larceny. There was one against Mrs. C. M. Irwin, charged with keeping a house of ill-fame in the Twelfth Ward. Bail was fixed at $5,000, which somewhat disconcerted her. The amount was reduced to $4,000 when Oliver C. Obey and D. M. Bartly became her bondsmen. Mrs. Irwin engaged Gen. Geo. R. Maxwell for her defense.

NEW SACRAMENTAL SERVICE.—Last week the young ladies of the Eighth Ward raised amongst them, by proceeds of a social party, the sum of $90, with which they purchased a handsome sacramental set, which they presented to the Ward, to be used at communion meetings.

THE INDIAN PROPHET AGAIN.—The following came to hand on January 29th :—"Waz-e-waub has spoken again. He says God is going to shake terribly the earth, and he is to let the Indians know in time to separate themselves from their enemies, so that they may escape. He says they were once a white and delightsome people, but on account of their fathers' wicked acts, they were cursed with a red skin. They have some of their fathers' writings now, and the whites have more of them than he has. Whoever despises and ridicules this warning, will have a worse curse come upon them. The Indians meet every night and pray and dance that the Lord will take off the curse that is upon them. Their Prophet says when they die the spirits of the good Indians go to God up in heaven, and the wicked go down. The Indians pray for wisdom to know how to build cities, and to farm and cultivate the earth. The words of the Prophet have great influence with all the Indians, especially the Utes, Pahvants, Piedes and other western tribes. His counsel is not to steal, fight nor kill."

"NEW-UM-BADS."

STILL SPREADING.—The epizootic is spreading so rapidly that it is currently expected that if it continues at the present rate for a few days, horse flesh will have entirely disappeared from the streets. It is stated, according to the best information that can be obtained, that fully three-fourths of the horses in town are sick of the malady.

The *Salt Lake Herald* gives the following :—

THE "EPIZOOTIC."—This disease is spreading rapidly. The stages to Pioche, Homansville, Eureka, Silver and Diamond Cities in Tintic, Little Cottonwood and Bingham, have ceased running for the present. The cause is the horse distemper. Due notice of their recommencement will be given.

ALTA.—A dispatch from this point received Jan. 25, by Deseret Telegraph says:—The epizootic has reached here, stopping the stage and almost all the teaming. Snow is eight and a half feet deep and it is still snowing, though quite pleasant.